

Message Text

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PAGE 01 MASERU 01310 161132Z
ACTION L-03

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FM AMEMBASSY MASERU
TO SECSTATE WASHDC IMMEDIATE 8823
INFO AMEMBASSY GABORONE

LIMITED OFFICIAL USE MASERU 1310

ATTN: OFFICE OF THE LEGAL ADVISER; PASS JUSTICE ATTN: CIVIL DIVISION

E.O.11652: N/A
TAGS: ACLM APER LT
SUBJECT: LEGAL SUIT AGAINST PEACE CORPS AND DIRECTOR JOHN G.
(JACK) HEALEY

REF: MASERU 1300

1. REFTEL (TOPEC) REPORTS DETAILS OF LEGAL SUIT BROUGHT
AGAINST PEACE CORPS AND PEACE CORPS LESOTHO DIRECTOR JOHN HEALEY
IN HIGH COURT, MASERU. SUIT, INITIATED BY RECENTLY TERMINATED
PEACE CORPS ASSOCIATE DIRECTOR ARCHIE MOSOANG (MOSOTHO), SEEKS
DAMAGES FOR ALLEGED WRONGFUL AND UNLAWFUL DISMISSAL.

2. LOCAL COUNSEL ENGAGED BY HEALEY WITH PC/W AUTHORIZATION
HAS ADVISED THAT INTIAL AIM SHOULD BE TO HAVE CASE DISMISSED
ON GROUNDS HIGH COURT LACKS JURISDICTION IN CASE INVOLVING
PEACE CORPS AND ITS OFFICERS SINCE PEACE CORPS IS ARM OF
UNITED STATES GOVERNMENT AND IS PRESENT AND OPERATING IN
LESOTHO UNDER AGREEMENT (EXCHANGE OF NOTES) SIGNED AT
WASHINGTON SEPTEMBER 22, 1967. ANOTHER VIEW, EXPRESSED
INFORMALLY BY CHIEF JUSTICE COTRAN IS THAT, FOR PUBLIC
RELATIONS REASONS, WE SHOULD NOT TRY TO ESTABLISH LACK OF
JURISDICTION BUT SHOULD DEFEND OUR CASE ON ITS
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MERITS IF THE HIGH COURT RULES THAT IT HAS JURISDICTION.

3. COUNSEL FOR HEALEY HAS ASKED EMBASSY TO PROVIDE A
STATEMENT THAT COULD BE USED TO ESTABLISH THAT COURT
LACKS JURISDICTION. STATEMENT WOULD EMPHASIZE POINTS
PARA 2 ABOVE. HE HAS ALSO REQUESTED THAT WE SEEK SIMILAR
STATEMENT FROM GOL MINISTRY OF FOREIGN AFFAIRS.

4. WE PRESUME DEPARTMENT HAS AMPLE PRECEDENT AND, THEREFORE,
REQUEST GUIDANCE AND APPROPRIATE LANGUAGE TO PROVIDE TO COUNSEL.
NEED GUIDANCE ASAP AS CASE MAY COME BEFORE HIGH COURT
NEXT WEEK.
NORLAND

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NNN

Message Attributes

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Disposition Case Number: n/a
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Disposition History: n/a
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